

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARTHUR MENALDI, Individually and  
On Behalf of All Others Similarly Situated,

**Plaintiff,**

V.

No. 1:14-CV-03251 (JPO)

OCH-ZIFF CAPITAL MANAGEMENT  
GROUP LLC, DANIEL S. OCH, and JOEL  
M. FRANK,

## Defendants.

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## **STIPULATION AND [PROPOSED] ORDER**

**WHEREAS**, the Complaint in the above-captioned action was filed on May 5, 2014;

**WHEREAS**, Plaintiff has not yet served Defendants with the Summons or Complaint for the above-captioned action;

**WHEREAS**, Defendants have agreed to waive service of the Summons and Complaint, pursuant to Fed. R. Civ. P. 4(d);

**WHEREAS**, the above-captioned action is subject to the statutory provisions in 15 U.S.C. § 78u-4(a)(3) requiring the appointment of a lead plaintiff;

**WHEREAS**, the deadline for motions for lead plaintiff in this action has not yet passed;  
**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned  
counsel for the parties in this action, that:

1. Plaintiff need not serve Defendants with the Summons or Complaint.
  2. Defendants need not respond to Plaintiff's Complaint.

3. Within sixty (60) days after a court ruling on any motions for lead plaintiff, the court-appointed Lead Plaintiff shall file an Amended Complaint that supersedes the Complaint filed in this action.

4. Within ninety (90) days after the filing of the Lead Plaintiff's Amended Complaint, Defendants shall answer, move against, or otherwise respond to the Amended Complaint.

POMERANTZ LLP

*Jeremy Lieberman*

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Attorneys for Defendants Och-Ziff Capital Management Group LLC, Daniel S. Och, and Joel M. Frank

SO ORDERED:

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*J. Paul Oetken* *AM*  
Honorable J. Paul Oetken  
United States District Judge  
*5/21/14*